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10 NICOLE MILLER,
11
12 Plaintiffs,
13 v.
14 TAKHAR COLLECTION SERVICES,
LTD, aka TAKHAR GROUP, aka
15 TAKHAR INVESTMENTS, INC.,
16 Defendant.
17
18
19

NO:

COMPLAINT AND DEMAND FOR
JURY TRIAL

20 I. INTRODUCTION

21 1.1. The United States Congress has found abundant evidence of the use of
22 abusive, deceptive, and unfair debt collection practices by many debt
23 collectors, and has determined that abusive debt collection practices

1 contribute to the total number of personal bankruptcies, to marital
2 instability, to the loss of jobs, and to invasions of individual privacy.
3 Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C § 1692
4 *et seq.* in an effort to eliminate abusive debt collection practices by debt
5 collectors, to insure that those debt collectors who refrain from using
6 abusive debt collection practices are not competitively disadvantaged,
7 and to promote consistent State action to protect consumers against debt
8 collection abuses.
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11 1.2. This is an action for actual and statutory damages brought by Plaintiff
12 Nicole Miller against Defendant Takhar Collection Services, LTD for
13 violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et*
14 *seq.* (hereinafter “FDCPA”), which prohibits debt collectors from
15 engaging in abusive, deceptive, and unfair practices.
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19 II. JURISDICTION

20 2.1. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C.
21 § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and
22 2202. Venue in this District is proper in that the Defendant transacts
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1 business in this District and the conduct complained of occurred in this
2 district as well.

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5 **III. PARTIES AND SUBJECT MATTER JURISDICTION**

6 3.1. Plaintiff Nicole Miller is a consumer as defined by 15 U.S.C. § 1692a(3).

7 She is a natural person residing in the County of Spokane, State of
8 Washington.
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10 3.2. The debt that Takhar Collection Services, LTD (hereinafter “Takhar”) claims the plaintiff owes is an alleged obligation to pay money arising
11 out of a transaction primarily for personal, family, or household
12 purposes.
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15 3.3. The debt that Takhar claims the plaintiff owes is a debt allegedly arising
16 out the purchase of a cookbook.
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18 3.4. Defendant Takhar is a corporation engaged in the business of collecting
19 debt, with its principal place of business located at 202 BEVERL ST
20 CAMBRIDGE ONTARIO CANADA, FO, 00001

21 3.5. Defendant Takhar Collection Services, LTD. was attempting to collect a
22 “debt” as defined by FDCPA, 15 U.S.C. §1692a(5).
23
24

1 3.6. Defendant Takhar regularly collects or attempts to collect, directly or
2 indirectly, debts owed or due or asserted to be owed or due another using
3 the telephone and mail.
4

5 3.7. Defendant Takhar is a “debt collector” as defined by FDCPA, 15 U.S.C §
6 1692(a).
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9 **IV. FACTUAL ALLEGATIONS**

10 4.1. On or about March, 2010, the plaintiff received a voice message from a
11 person who identified herself as “Juanita O’Neil” and claimed to be
12 calling from Takhar Group.
13

14 4.2. The voice message referenced in 4.1, above was a “communication” as
15 defined by FDCPA, 15 U.S.C. 1692a(2).
16

17 4.3. The person who left the voicemail referenced in 4.1, above was, at the
18 time and date of the call, a “debt collector” as defined by FDCPA, 15
19 U.S.C. 1592a(6)
20

21 4.4. The caller identified in 4.1 is or was an an agent of the defendant herein.
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23 4.5. The voice message referenced in 4.1, above, was the defendant’s initial
24 communication with the plaintiff.
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1 4.6. In the voice message referenced in 4.1, above, the defendant failed to
2 state that she was attempting to collect a debt and that any information
3 obtained will be used for that purpose. This omission by defendant
4 violated 15 U.S.C 1692e(11)
5

6 4.7. In the voice message referenced in 4.1 above, the defendant failed to state
7 that the communication was from a debt collector. If the voicemail
8 referenced in 4.1, above was not the initial communication by the
9 defendant, then this omission by defendant violated 15 U.S.C. 1692e(11).
10

11 4.8. Defendant failed within five days after its initial communication with
12 Plaintiff to provide written notification containing a statement that unless
13 Plaintiff, within thirty days after receipt of that notice, disputed the
14 validity of the debt, or any portion thereof, Defendant would assume the
15 debt was valid, or failed within five days after its initial communication
16 with Plaintiff to provide a written notice containing a statement that if
17 Plaintiff notified Defendant in writing, within the thirty-day period that
18 the debt, or any portion thereof, was disputed, Defendant would obtain
19 verification of the debt or a copy of a judgment against Plaintiff and a
20 copy of such verification or judgment would be mailed to Plaintiff by
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1 address of the original creditor. This omission by defendant violated 15
2 U.S.C. § 1692g.

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4 4.9. On April 26, 2010, plaintiff contacted defendant and spoke with an agent
5 of the defendant who identified himself as Christopher Lackey.

6 4.10. Plaintiff informed defendant on April 26, 2010 that she disputes the debt.

7
8 4.11. During the phone call referenced in 4.10, above, Defendant stated to
9 plaintiff that the defendant would report the debt on plaintiff's credit
10 report for seven years unless plaintiff paid the defendant.

11 4.12. The defendant could not legally report the alleged debt on plaintiff's
12 credit report for seven years.

13
14 4.13. The defendant did not intend to report the debt on plaintiff's credit report
15 for seven years.

16 4.14. The statements by defendant in 4.11 and 4.12 were a threat to take an
17 action that cannot legally be taken or that is not intended to be taken, and
18 constitutes a violation of 15 U.S.C. 1692e(5).
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21 **V. CLAIM FOR RELIEF**

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23 5.1. Plaintiffs repeat, reallege and incorporate by reference to the foregoing
24 paragraphs.

1 5.2. The foregoing acts and omissions constitute multiple violations of the
2 FDCPA, including but not limited to each and every one of the above-
3 cited provisions of the FDCPA, 15 USC § 1692 et seq.
4

5 5.3. As a result of each and every violation of the FDCPA, Plaintiff is entitled
6 to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory
7 damages in an amount up to \$1000.00 pursuant to 15 U.S.C.
8 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15
9 U.S.C. 1692k(a)(3) from Defendant.
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12 VI. DAMAGES

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14 6.1 As a result of the foregoing violations of the FDCPA, defendants are
15 liable to the Plaintiffs for declaratory judgment that Defendants' conduct
16 violated the FDCPA, actual damages, statutory damages, injunction, and
17 costs and attorney fees.
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20 **WHEREFORE**, plaintiffs respectfully requests that judgment be entered
21 against defendant for the following:
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23 8.a. Declaratory judgment that Defendants' conduct violated the FDCPA;

24 8.b. Actual damages;

1 8.c. Statutory damages pursuant to 15 U.S.C. § 1692k;

2 8.d. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k;

3 8.e. For injunctive relief, restitution, and disgorgement of ill-gotten gains; and

4 8.f. For such other and further relief as the Court may deem just and proper.

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7 Respectfully submitted,

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9 DATED this 28th day of April

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13 /S/ Kirk D. Miller

14 _____
15 Kirk D. Miller, WSBA # 40025
16 Attorney for Plaintiffs
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